

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

James C. Ori et al.

Serial No.: 09/941,386

Filed: August 28, 2001

For: STRUCTURAL MEMBER FOR A VEHICLE FRAME ASSEMBLY

Attorney Docket No.: 705558US1



Group Art Unit: 3619

PETITION IN RESPONSE TO NOTICE OF OMITTED ITEM(S)

Asst. Commissioner for Patents
 United States Patent and Trademark Office
 Washington, D.C. 20231

Sir:

CERTIFICATE OF MAILING (37 CFR 1.8)

Date of Deposit with U.S. Postal Service is November 6, 2001. I hereby certify that this paper is being deposited with the United States Postal Service as first class mail under 37 CFR 1.8 on the date indicated above and is addressed to Assistant Commissioner for Patents, Washington, D.C. 20231.

Theresa M. Good
 NAME OF PERSON MAILING PAPER

Theresa M. Good
 SIGNATURE

In response to the Notice of Omitted Item(s) in a Nonprovisional Application mailed October 1, 2001, Applicants contend that the item referenced therein as being omitted, i.e., Figure 1, was in fact included on sheet 1/5 of the drawings deposited in the U.S. Patent and Trademark Office with the original application papers on August 28, 2001. Therefore, Applicants believe this application is entitled to the original filing date, and reconsideration is respectfully requested in view of the following comments and attached evidence.

As shown in the attached copies of the Utility Patent Application Transmittal (Exhibit A), PTO stamped post card (Exhibit B), and Official Filing Receipt (Exhibit C), five (5) sheets of drawings were originally submitted with the application papers on August 28.

However, based on the undersigned's review of Applicants' file record, it appears that the figure shown on original sheet 1/5 was erroneously submitted without any figure number printed thereon. The remaining sheets 2/5 – 5/5 were properly labeled as corresponding with the other figures described in the specification, i.e., Figures 2-9. Applicants further point out that the view and numbered elements shown on sheet 1/5 clearly correspond to the description

provided in the specification for Figure 1. Notwithstanding the obvious error in not providing any figure number on sheet 1/5, Applicants contend that this figure is in fact Figure 1 as described, and therefore, was originally submitted as required by 37 CFR 1.53(b).

A substitute sheet 1/5 properly denoting the figure as "Figure 1" has been enclosed with this petition. Prompt and favorable consideration of this application is requested.

Respectfully submitted,

By:


Ralph E. Smith
Reg. No. 35,474
Attorney for Applicants

Dated: 11/6/2001
CIMS 483-02-19

DAIMLERCHRYSLER INTELLECTUAL CAPITAL CORPORATION
DAIMLER CHRYSLER TECHNOLOGY CENTER
800 CHRYSLER DRIVE
AUBURN HILLS, MI 48326-2757
248-944-6519



OCT 3 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
 www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/941,386	08/28/2001	3619	710	705558US1	5	16	1

CONFIRMATION NO. 5998

24938
 DAIMLERCHRYSLER INTELLECTUAL CAPITAL CORPORATION
 CIMS 483-02-19
 800 CHRYSLER DR EAST
 AUBURN HILLS, MI 48326-2757

FILING RECEIPT



OC000000006817879

Date Mailed: 10/01/2001

O I P E JC34
 DEC 27 2001
 PATENT & TRADEMARK OFFICE

This receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

James C. Ori, Troy, MI;
 Saad M. Abouzahr, Ann Arbor, MI;
 Shujath I. Ali, West Bloomfield, MI;

S✓

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted 09/28/2001

Projected Publication Date: To Be Determined - pending completion of Omitted Items

Non-Publication Request: No

Early Publication Request: No

Title

Structural member for a vehicle frame assembly

Preliminary Class

280

Exhibit C

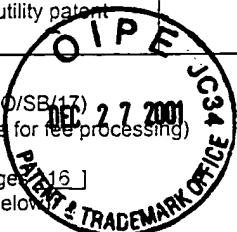
Under the Paperwork Reduction Act of 1996, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL <small>(Only for new nonprovisional applications under 37 C.F.R. §1.53(b))</small>	
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Attorney Docket No.	705558U
First Inventor or Application Identifier	James C Ori, et al.
Title	Structural Member For A Vehicle Frame Assembly
Express Mail Label No.	EL536119204US

APPLICATION ELEMENTS

See MPEP Chapter 600 concerning utility patent application contents.



1. *Fee Transmittal Form (e.g. PTO/SB/17)
(Submit an original and a duplicate for fee processing)

2. Specification [Total Pages 16]
(preferred arrangement set forth below)
-Descriptive title of the Invention
-Cross References to Related Applications
-Statement Regarding Fed Sponsored R&D
-Reference to Microfiche Appendix
-Background of the Invention
-Brief Summary of the Invention
-Brief Description of the Drawings (if filed)
-Detailed Description
-Claims(s)
-Abstract of the Disclosure

3. Drawing(s) (35 U.S.C. 113) [Total Sheets 5]

4. Oath or Declaration [Total Pages 2]
a. Newly executed (original or copy)
b. Copy from a prior application (37 C.F.R. § 1.63 (d))
(for continuation/divisional with Box 16 completed)

i. DELETION OF INVENTOR(S)

Signed statement attached deleting inventor(s)
Named in the prior application, see 37 C.F.R.
§ 1.63(d)(2) and 1.33 (b).

NOTE FOR ITEMS 1 & 13: IN ORDER TO BE ENTITLED TO PAY SMALL ENTITY FEES, A SMALL ENTITY STATEMENT IS REQUIRED (37 C.F.R. § 1.27), EXCEPT IF ONE FILED IN A PRIOR APPLICATION IS RELIED UPON (37 C.F.R. § 1.28).

16. If a **CONTINUING APPLICATION**, Check appropriate box, and supply the requisite information below and in a preliminary amendment:
Continuation Divisional Continuation-in-part (CIP) of prior application No. _____

Prior application information: Examiner _____

FOR CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

17. CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label **24938** or Correspondence address below
(Insert Customer No. or Attach bar code label here)

Name	Mark P. Calcaterra DaimlerChrysler Intellectual Capital Corporation					
Address	CIMS 483-02-19 800 Chrysler Drive					
City	Auburn Hills	State	Michigan	Zip Code	48326-2757	
Country	United States	Telephone	(248) 944-6500	Fax	(248) 944-6537	

Name (Print or Type)	Mark P. Calcaterra	Registration No.	30,363
Signature			Date <u>August 28, 2001</u>

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

Exhibit A

J1040 U.S. PTO
09/941386
08/28/01



ATTN: *tmg* CIMS 483-02-19
PATENT DEPARTMENT
DAIMLERCHRYSLER CORPORATION
800 CHRYSLER DRIVE
AUBURN HILLS MI USA 48326-2757



DaimlerChrysler Corporation
Corporate Patent
SEP 10 2001

483-02-19



84-910-8816 (REV. 11/98)

PATENT & TRADEMARK OFFICE

The Patent and Trademark Office is kindly requested to advise that the accompanying paper:
Inventor(s): Ori et al. Serial/Patent No. Unknown
Date: 8-28-01 Attorney: mPC File No.: 705858US1

- PATENTS -

<input checked="" type="checkbox"/> New Patent Application:	<input checked="" type="checkbox"/> Certificate of Express Mail
<input type="checkbox"/> CON <input type="checkbox"/> CIP <input type="checkbox"/> DIV	<input type="checkbox"/> FWC <input checked="" type="checkbox"/> 16 Page(s) Specification
<input type="checkbox"/> Provisional <input type="checkbox"/> PCT	<input type="checkbox"/> 5 Sheet(s) Drwgs.(Formal/Informal)
<input checked="" type="checkbox"/> Executed Declaration	<input checked="" type="checkbox"/> Information Disclosure
<input type="checkbox"/> Missing Parts	<input type="checkbox"/> Transmittal Sheet
<input type="checkbox"/> Notice of Appeal	<input type="checkbox"/> Recordation Cover Sheet
<input type="checkbox"/> Appeal Brief	<input type="checkbox"/> Response/Amendment
<input type="checkbox"/> Issue Fee Transmittal	<input type="checkbox"/> Priority Document
<input type="checkbox"/> Maint. Fee Transmittal	<input type="checkbox"/> Make of Record Letter

PTO 1449

Fee Transmittal Sheet

Assignment

Extension of Time

Status Inquiry

Drawing Transmittal

Other: 8 cited patents

has received the date-of-receipt stamp which is impressed hereon.
COURTESY OF MAIL ROOM

Exhibit B

Please type a plus sign (+) inside this box →

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

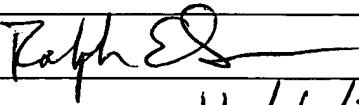
10

Application Number	09/941,386
Filing Date	August 28, 2001
First Named Inventor	Ori et al.
Group Art Unit	3619
Examiner Name	Unknown

ENCLOSURES (check all that apply)

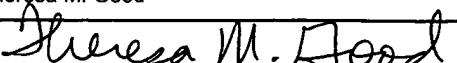
<input type="checkbox"/> Issue Fee Transmittal Form (in dup.)	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i>	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i>
<input type="checkbox"/> After Final	<input checked="" type="checkbox"/> Petition In Response To Notice Of Omitted Item(s)	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i>
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Return receipt postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	Exhibits A, B and C (3 pages)
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s).....	Drawing Sheet 1/5
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	Copy of Notice of Omitted Item(s) In A Nonprovisional Application (2 pages)
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 OR 1.17 to Deposit Account No. 03-1800. A duplicate copy of this sheet is enclosed.	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	DaimlerChrysler Corporation	Ralph E. Smith, Reg. 35,474
Signature		
Date	11/6/2001	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, U.S. Patent & Trademark Office, Washington, D.C. 20231

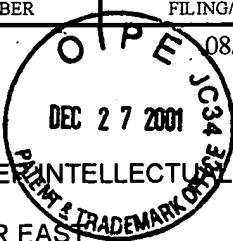
Typed or printed name	Theresa M. Good		
Signature		Date	11-6-01



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/941,386	08/28/2001	James C. Ori	705558US1



24938
DAIMLERCHRYSLER INTELLECTUAL CAPITAL CORPORATION
CIMS 483-02-19
800 CHRYSLER DR EAST
AUBURN HILLS, MI 48326-2757

CONFIRMATION NO. 5998
FORMALITIES LETTER



OC000000006817880

Date Mailed: 10/01/2001

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) **FIG: 1** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) OR (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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